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Registry No. 203—06

NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION

FOR THE

MANUFACTURERS OF BAGGING FOR RAW COTTON INDUSTRY

AS SUBMITTED ON AUGUST 31, 1933

UNIV. OF FLA. DOCUMENTS
DEPOSITORY

The Code for the Manufacturers of Bagging for Raw Cotton Industry in its present form merely reflects the proposal of the above-mentioned industry, and *none of the provisions contained therein are to be regarded as having received the approval of the National Recovery Administration as applying to this industry*

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Submitted by

INSTITUTE OF MANUFACTURERS OF RAW COTTON

(II)

CODE OF FAIR COMPETITION FOR THE BAGGING FOR COVERING RAW COTTON INDUSTRY

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Bagging for Covering Raw Cotton Industry.

1. *Definitions.*—The term "Bagging for Covering Raw Cotton Industry" as used herein (and referred to hereinafter as "the industry") is defined to mean preparing, spinning, and weaving new and/or second-hand jute or other fibres into the coarse bagging or patches expressly made for covering raw cotton.

The term "person" as used herein means any individual, firm, association, or corporation engaged in the industry.

The term "manufacturing employees" as used herein shall include all individuals actually employed in the productive operations as set out in the description of the industry.

The term "nonmanufacturing employees" shall include all other employees not classified as "manufacturing employees."

The term "productive machinery" as used herein is defined to mean the machinery necessary to productive operations.

The term "effective date" as used herein is defined to be the second Monday after the date of approval of this Code by the President.

2. *Minimum wages.*—On and after the effective date the minimum wage that shall be paid by employers in the industry to any of their manufacturing employees shall be at the rate of 17½ cents per hour in the case of male employees and 12½ cents per hour in the case of female employees.

It is interpreted that the provisions for minimum wage in this Code shall be a guaranteed minimum rate of pay per hour of employment regardless of whether the employee's compensation is otherwise based on a time or upon a piecework performance.

It shall be a function of the Planning and Fair Trade Agency provided for in this Code to observe the operation of this provision and to recommend from time to time such further provisions as experience may indicate to be proper to effectuate the purpose and policy of the National Industrial Recovery Act, particularly with respect to necessary reasonable adjustments as to wages above the minimum.

3. *Maximum hours.*—On and after the effective date employers in the industry shall not operate on a schedule of hours for their manufacturing employees except office force, executives, and supervisory staff, shipping, watching, and outside crews, in excess of 48 hours per week, provided, however, that for a period of 5 months during any calendar year in order to meet peak or seasonal requirements employers in the industry may operate on a schedule of hours of labor for their manufacturing employees of 2 shifts of not exceeding 40 hours each per week.

On and after the effective date, the maximum hours of labor for office employees in the industry shall be an average of 40 hours a week over each period of 6 months.

It is interpreted that the provision for maximum hours shall be a maximum of hours of labor per week for every employee covered so that under no circumstances will such an employee be employed or permitted to work for one or more employers in the industry in the aggregate in excess of the prescribed number of hours in a single week.

It shall be the duty of the Planning and Fair Trade Agency provided for herein to prepare and submit to the Administration by January 1, 1934, a schedule of maximum hours and minimum wages for all classes of employees not provided for in Sections 2 and 3 hereof.

4. *Child labor.*—On and after the effective date employers in the industry shall not employ any minor under the age of 16 years.

5. *Productive machinery.*—Employers in the industry shall not operate productive machinery in the industry for more than 1 shift of 48 hours, provided, however, that during peak or seasonal periods herein provided for, productive machinery may be operated on the basis of 2 shifts of not exceeding 40 hours per week each for a period not exceeding 5 months of the calendar year.

6. *Planning and fair trade agency.*—With a view to keeping the President informed as to the observance or nonobservance of this Code of Fair Competition, and as to whether the industry is taking appropriate steps to effectuate the policy of the Industrial Recovery Act, each person engaged in the industry will furnish duly certified reports in substance as follows, and in such form as may hereinafter be provided:

a. Returns every 4 weeks showing actual hours worked by the various groups of manufacturing employees and minimum rates of wages.

b. Reports every 4 weeks as to the operation of productive machinery.

c. Monthly reports showing production in terms of the unit agreed upon by the industry.

The Institute of Manufacturers of Bagging for Covering Raw Cotton is hereby recognized and constituted the agency to collect and receive such reports, provided, however, that all such reports, except as may be required by the President or by law, shall be deemed confidential when so gathered and shall not be made known to any other than the reporting employer. Totals or cumulative reports for the industry may be distributed.

To further effectuate the policies of the Act, the Institute of Manufacturers of Bagging for Covering Raw Cotton is hereby set up to cooperate with the Administration as the Planning and Fair Trade Agency for the industry.

Such agency may from time to time present to the Administrator recommendations based on conditions in the industry as they may develop from time to time, which will tend to effectuate the operation of the provisions of this Code. Among other matters included within the authority, the said agency shall from time to time make—

1. Recommendations as to the requirement by the Administrator of such further reports from persons engaged in the industry of statistical information and keeping of such uniform accounts as may be necessary to secure the proper observance of the Code and promote the proper balance of production and consumption, and the stabilization of the industry and employment;

2. Recommendations as to the setting up of such boards or bureaus as may be necessary to aid in the enforcement and observance of this Code;

3. Recommendations for changes in, or exemptions from, the provisions of this Code as to machinery control;

4. Recommendations for the making of requirements by the Administrator as to practices of persons engaged in the industry, the naming and reporting of prices which may be proper to avoid discrimination and promote the stabilization of the industry and to prevent and eliminate unfair and destructive prices and practices;

5. Recommendations for dealing with any inequalities that may otherwise arise in the observance and enforcement of this Code, or in promoting the stability of the industry and of production and employment.

Such recommendations, when approved by the Administrator, shall have the same force and effect as the other provisions of this Code. Said Agency shall receive and report on all complaints or alleged violations of this Code and shall set up rules and regulations which, with the approval of the Administrator, shall be used in connection with the enforcement of this Code. Such Agency shall also have power to initiate complaints to the Administrator as to violations of the Code and shall be authorized, with the approval of the Administrator, to take such steps as may be necessary to correct same or enforce observance.

7. *Imports.*—Immediately, or as soon as practical, after the effective date of this Code, the Planning and Fair Trade Agency, herein set up, shall investigate the extent of importations of competing materials used or to be used in the covering of raw cotton, and shall, if the Planning and Fair Trade Agency so decides, make application to the President that he exercise the authority under subsection (e) of section 3 of the National Industrial Recovery Act to the end that such adjustments of tariff duties or embargoes in connection with said importations shall be made as may be necessary to insure the effectuation of the purpose and policy of the National Industrial Recovery Act and the provisions of this Code.

8. *Existing contracts.*—Where the costs of executing contracts entered into in the industry prior to the presentation to Congress of the National Industrial Recovery Act are increased by the application of the provisions of this Code to the industry, it is equitable and promotive of the purposes of the Code that appropriate adjustments of such contracts to reflect such increased costs be arrived at by arbitral proceedings or otherwise and the Planning and Fair Trade Agency herein set up, is constituted an agency to assist in effectuating such adjustment.

Persons engaged in the industry shall be deemed permitted to make such representations to purchasers in connection with any such

contracts as to the increased cost caused by the application of the provisions of this code.

9. *Labor provisions.*—Employers in the industry shall comply with the requirements of the National Industrial Recovery Act as follows:

(1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

10. *Miscellaneous.*—This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of Clause 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation, issued under Title I of said Act, and specifically to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate.

It is contemplated that from time to time supplementary provisions to this Code or additional codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act with the provisions hereof.

This Code shall be in operation on and after the effective date as to the entire industry except as an exemption from or a stay of the application of its provisions may be granted by the Administrator to a person applying for the same or except as provided in an executive order. No distinction shall be made in such exemptions between persons who have and who have not joined in applying for the provisions of this Code.

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